

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

Case No. 5:22-cv-00379-M

JAMES SHELTON RAY, JR.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	ORDER
	)	
STATE OF NORTH CAROLINA, et al.,	)	
	)	
Defendant.	)	
	)	

---

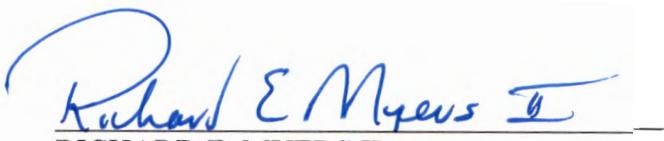
This matter comes before the court on the Memorandum and Recommendation (“M&R”) of United States Magistrate Judge Robert T. Numbers, II [DE 4]. Pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b), Magistrate Judge Numbers recommended that the court dismiss all of Plaintiff’s claims except his § 1983 claims against the three police officers who allegedly arrested him without probable cause. Plaintiff filed an objection [DE 5]; however, he does not object to any specific portion of the M&R.

A magistrate judge’s recommendation carries no presumptive weight. The court “may accept, reject, or modify, in whole or in part, the . . . recommendation[ ] . . . receive further evidence or recommit the matter to the magistrate judge with instructions.” 28 U.S.C. § 636(b)(1); *accord Mathews v. Weber*, 423 U.S. 261, 271 (1976). The court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* § 636(b)(1). Absent a specific and timely objection, as here, the court reviews only for “clear error” and need not give any explanation for adopting the recommendation. *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

Upon careful review of the M&R and the record presented, and finding no clear error, the court ADOPTS the recommendation of the magistrate judge as its own. For the reasons stated therein, the court ALLOWS Plaintiff's § 1983 claims against J.H. Hanak, P.J. Howard, and W.T. Spencer. The remainder of the complaint is DISMISSED.

The Clerk of Court is DIRECTED to issue the summonses prepared by Plaintiff. The United States Marshal is DIRECTED to serve the summonses and a copy of the complaint on Defendants.

SO ORDERED this 28<sup>th</sup> day of September, 2023.

  
RICHARD E. MYERS II  
CHIEF UNITED STATES DISTRICT JUDGE